



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 22 2018

CERTIFIED MAIL 7017 1450 0000 7972 1612
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4 and the Georgia Environmental Protection Division (GAEPD) have reviewed DeKalb County's (the County) Quarterly Sanitary Sewer Overflow Reports that were submitted from the First Quarter of 2017 (dated May 1, 2017) to the Fourth Quarter of 2017 (dated January 30, 2018) under Section IX (Reporting Requirements) of the above-referenced Consent Decree.

Pursuant to Paragraph 65(c) and (d) of the Consent Decree, the United States and the State of Georgia may assess a stipulated penalty for each Spill (a discharge of wastewater from the wastewater collection and transmission system which reaches waters of the United States or the State) in a dollar amount that is dependent on the size and date of the Spill. The County reported 186 Spills that occurred between January 1, 2017 and December 31, 2017. These included 144 Spills less than 10,000 gallons, which are each subject to a stipulated penalty of \$500, for a total stipulated penalty of \$72,000 (144 x \$500). The County also reported 42 Spills greater than 10,000 gallons. Because these Spills occurred more than 5 years after the Consent Decree's Date of Entry, they are each subject to a stipulated penalty of \$2,000, for a total stipulated penalty of \$84,000 (42 x \$2,000).

Upon review of the submitted documentation and the circumstances of the Spills, and in light of the County's compliance history, the EPA and EPD hereby assess and demand stipulated penalties in the amount of \$156,000 (\$72,000 + \$84,000) for all 186 Spills that occurred in 2017.

In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$78,000 (50%) of the stipulated penalties to the United States and \$78,000 (50%) of the stipulated penalties to the State of Georgia. The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid. The Financial Litigation Unit of the U.S. Attorney's Office will provide the County with confirmation of the electronic funds transfer wiring instructions for the payment to the United States, which are the same as the instructions previously provided to the County for the payment

of prior stipulated penalties. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia, Georgia Department of Natural Resources and tendered to the Georgia Environmental Protection Division; ATTN: Mr. Lewis Hays; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1152; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 69 and 10 of the Consent Decree.

If you have any questions, please have your attorneys contact Mr. Nathan Stopper, EPA Associate Regional Counsel, at (404) 562-9581, or Ms. Suzanne Osborne, Senior Assistant Attorney General, at (404) 656-7618.

Sincerely,

Gracy R. Danois

Gracy Danois, Acting Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

Richard E. Dunn

Richard E. Dunn, Director
Georgia Environmental Protection Division

cc: See Attached Mailing List

Mailing List:

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